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Counsel for Defendant,
ANDREW MAGANA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 20-70694-MAG
)	
Plaintiff,)	STIPULATION TO CONTINUE STATUS
)	HEARING AND ARRAIGNMENT;
vs.)	[PROPOSED] ORDER
)	
ANDREW MAGANA,)	
)	
Defendant.)	

Plaintiff United States of America, by and through Assistant United States Attorney Maia Perez, and Defendant Andrew Magana ("Mr. Magana"), by and through his attorney of record, Assistant Federal Public Defender Robert Carlin, hereby stipulate that the status hearing and arraignment should be continued from September 3, 2020, to September 10, 2020, at 10:30 a.m. The parties are presently engaged in negotiations regarding a waiver of indictment, and agree that there is good cause to (1) extend the 30-day time period for an indictment under 18 U.S.C. § 3161 (b), and (2) to exclude time under the Speedy Trial Act

STIPULATION TO CONTINUE STATUS HEARING AND
ARRAIGNMENT; [PROPOSED] ORDER
NO. CR 20-70694-MAG

1 between September 3, 2020, and September 10, 2020, for effective preparation by counsel and in
2 the interest of justice, pursuant to 18 U.S.C. § 3161 (h)(7)(A) and (B)(iv).

3 IT IS SO STIPULATED.

4 Respectfully submitted,

5 STEVEN G. KALAR
6 Federal Public Defender

7 Dated: September 2, 2020

8 /S/
9 ROBERT CARLIN
Assistant Federal Public Defender

10 DAVID L. ANDERSON
United States Attorney

11 Dated: September 2, 2020

12 /S/
13 MAIA PEREZ
Assistant United States Attorney

14 **~~PROPOSED~~ ORDER**

15 Based on the foregoing, **IT IS HEREBY ORDERED** that the status hearing and
16 arraignment shall be continued from September 3, 2020, to September 10, 2020, at 10:30 a.m.
17 The Court finds that failure to exclude the time between September 3, 2020, to September 10,
18 2020, would unreasonably deny counsel the reasonable time necessary for effective preparation,
19 taking into account the exercise of due diligence. See 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).
20 Further, the ends of justice are served by excluding the time between September 3, 2020, to
21 September 10, 2020. Id. Based on the parties' showing, there is good cause to extend the 30-day
22 time period for an indictment. See Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

23 IT IS SO ORDERED.

24 Dated: September 2, 2020

25 *Virginia K. DeMarchi*
26 HON. VIRGINIA K. DEMARCHI
United States Magistrate Judge